

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ERIC CHATMAN,
Plaintiff(s),

v.

AM-PM IN LAS VEGAS STRIP, et al.,
Defendant(s).

Case No.: 2:18-cv-01608-GMN-NJK

REPORT AND RECOMMENDATION

Plaintiff is a prisoner bringing this case *pro se*, and seeking to proceed *in forma pauperis*. District courts screen complaints brought by plaintiffs seeking to proceed *in forma pauperis*. 28 U.S.C. § 1915(e). A complaint should be dismissed for failure to state a claim upon which relief may be granted “if it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claims that would entitle him to relief.” *Buckey v. Los Angeles*, 968 F.2d 791, 794 (9th Cir. 1992). A complaint may be dismissed as frivolous if it is premised on a nonexistent legal interest or delusional factual scenario. *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). Moreover, “a finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). When a court dismisses a complaint, the plaintiff should be given leave to amend with directions as to curing its deficiencies, unless it is clear from the face of the complaint that the deficiencies could not be cured by amendment. *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

Plaintiff has filed numerous cases alleging long-past robberies and physical altercations on the Las Vegas strip. *See, e.g., Chatman v. AM/PM*, Case No. 2:18-cv-0041-RFB-CWH, Docket No. 1-1 at 4 (D. Nev. Mar. 12, 2018) (complaint alleging, *inter alia*, that “I was possibly robbed [sic] while in AM/PM bathroom”); *Chatman v. Gold Coast Casino and Corporation*, Case No. 2:18-cv-01255-JAD-VCF, Docket No. 3 (D. Nev. July 27, 2018) (report and recommendation summarizing allegations made in several cases).¹ In this particular case, Plaintiff alleges that he was robbed in an AM/PM bathroom around 2004-2013. Docket No. 1-1 at 1, 3. Plaintiff seeks varied relief based on that allegation, including \$165,000,000 in damages, two NBA teams to share with Michael Jordan, 12 “Mike Tyson homes,” and discharge of his parole. *Id.* at 9.

In light of the frivolous and delusional nature of Plaintiff’s claims, the undersigned **RECOMMENDS** that Plaintiff’s complaint be **DISMISSED** with prejudice.

Dated: August 28, 2018


Nancy J. Koppe
United States Magistrate Judge

NOTICE

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh’g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court’s order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

¹ Plaintiff also has a history of filing unmeritorious cases elsewhere. *See* Docket No. 1-1 at 7-8 (listing cases from the Southern District of California).